

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE ESTERN DISTRICT OF PENNSYLVANIA

IN RE:

GEORGE EVAN SHOLL, JR.,

Debtor

GEORGE EVAN SHOLL, JR.,

Movant,

v.

SPECIALIZED LOAN SERVICING, LLC,

Respondent,

SCOTT F. WATERMAN

Chapter 13 Trustee.

Case No. 15-14142-pmm

Chapter 13

Related to Doc. No. 66

**STIPULATION RESOLVING MOTION FOR CONTEMPT, MOTION FOR
SANCTIONS FOR VIOLATION OF ORDER CONFIRMING CHAPTER 13 PLAN AND
11 U.S.C §§ 362,524(i) AND RULE 3002**

Specialized Loan Servicing, LLC as Servicing Agent for The Bank of New York Mellon, f/k/a The Bank of New York, as Successor Indenture Trustee to JPMorgan Chase Bank, N.A., as Indenture Trustee for the CWABS Revolving Home Equity Loan Trust Series 2004-I, and George Evan Sholl, Jr., by and through their undersigned counsel, file this Stipulation (the "Stipulation"), to Resolve the Motion For Contempt, Motion For Sanctions for Violation of Order Confirming Chapter 13 Plan and 11 U.S.C. §§ 362 and 524(i) and Rule 3002, and in support thereof aver as follows:

1. On or about June 11, 2015 (the "Petition Date"), George Evan Sholl, Jr. (the "Debtor") filed a voluntary petition for relief pursuant to chapter 13 of title 11, United States Code,

11 U.S.C. §§ 101 et seq. (as amended, “Bankruptcy Code”) in the United States Bankruptcy Court for the Eastern District of Pennsylvania (the “Court”) at case number 15-14142 (the “Case”).

2. On or about February 05, 2004, the Debtor signed a home equity line agreement and disclosure statement with a credit limit of \$31,500.00 (the “Loan”) from Bank of American (“BOA”) and secured the borrowing by executing and recording a Mortgage on the Debtor’s real estate located at 871 Old Route 22, Bethel, Pennsylvania 19507 (the “Real Property”) recorded February 05, 2004 in the Berks County Recorded of Deeds (the “Mortgage”) with these and other documents at the inception of the Loan (collectively as, the “Loan Documents”).

3. On November 6, 2015, Bank of America (“BOA”) filed a proof of claim listing a total secured debt of \$38,719.95, with a pre-petition arrearage claim of \$3,271.29 at claim number 4 (the “Claim”).

4. On June 30, 2015, Debtor filed an Adversary Complaint, docketed at Case Number, 15-00242 (the “Adversary Proceeding”), against BOA in attempt to determine the validity, priority, or extent of lien of BOA on Debtor’s principal real estate.

5. On December 9, 2015, a Stipulation of Settlement to the Adversary Proceeding (the “Adversary Stipulation”) was filed by and between Debtor and BOA.

6. The Adversary Stipulation re-amortized the loan with BOA; the re-amortized terms are specifically outlined in line #7 of the Stipulation, in pertinent part, as follows:

“Debtor and Lender [BOA] agree for purposes of the Chapter 13 Bankruptcy to reduce the interest rate to 3% per annum and the assumed principal balance is \$37,000.00 over a 15-year period (180 months) resulting in a monthly payment of \$255.32 per month (the Re-Amortized payment) due and payable on the 1st day of each month commencing on December 1, 2015.”

7. On December 10, 2015, this Honorable Court granted the Order approving the Adversary Stipulation.

8. On January 7, 2016, this Court issued an Order Confirming the Debtor's Chapter 13 Plan.

9. On August 26, 2019, a Transfer of Claim was filed with respect to the Claim was filed, providing the transfer of the Claim to Specialized Loan Servicing, LLC as servicing agent for The Bank of New York Mellon, f/k/a The Bank of New York, as successor Indenture Trustee to JPMorgan Chase Bank, N.A., as Indenture Trustee for the CWABS Revolving Home Equity Loan Trust, Series 2004-I ("SLS").

10. On October 13, 2020, the Chapter 13 Trustee filed his Final Report and Account (the "Report").

11. On November 16, 2020, the court entered an order approving the Report, discharging the Chapter 13 Trustee, and closing the Case.

12. On March 22, 2021, the Debtor filed Motion to Reopen Chapter 13 Case (the "Motion to Reopen"). The Court entered order reopening the Case on April 15, 2021 ("Order to Reopen").

13. On May 19, 2021, the Debtor filed Motion for Contempt, Motion for Sanctions for Violation of Order Confirming Chapter 13 Plan and 11 U.S.C §§ 362,524(i) and Rule 3002 (the "Motion for Contempt").

14. The Debtor and SLS have reached an agreement to resolve the Motion for Contempt and this Stipulation sets forth that agreement in full resolution of the Motion for Contempt as follows:

- a. Within twenty-one (21) days of the entry of an order approving this Stipulation, SLS shall pay the total amount of \$10,000.00, \$5,000.00 for the Debtor and his

wife for damages and \$5,000.00 for attorney fees to Mendelsohn & Mendelsohn, PC.

- b. The check shall be made payable to Mendelsohn & Mendelsohn, PC. and sent directly to Mendelsohn & Mendelsohn, P.C., 637 Walnut Street, Reading PA 19601.
- c. SLS shall bring the Loan current through August 2021.
- d. After paragraph 14I is completed, SLS shall provide a payment history to the Debtor and his counsel via mail to provide an updated accounting.
- e. SLS shall correct any credit reporting within all three (3) credit reporting agencies regarding activity from August 01, 2019 through August 2021 in accordance with this Stipulation.

15. This Stipulation shall not be construed as any admission on behalf Specialized Loan Servicing, Inc. of any alleged violation of sections of 326, 524(i) of the Bankruptcy Code.

16. This Stipulation may only be modified by a revised Stipulation filed with this Court. No oral modifications are permitted and any allegation that the Stipulation was modified orally will be disregarded as evidence No written modifications are permitted, except for a revised Stipulation filed with this Court.

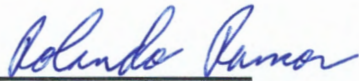
17. The Parties respectfully requests that this Honorable Court enter an order granting the Stipulation.

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